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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
**Federal Communications Commission**  
Washington, D.C. 20554

In the Matter of ) MM Docket No. 93-205  
 )  
Amendment of Section 73.202(b), ) RM-8270  
Table of Allotments, )  
FM Broadcast Stations, )  
(Donalsonville, Georgia) )

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

**PETITION FOR RECONSIDERATION**

Marshall W. Rowland ("Rowland"), by and through  
counsel, and pursuant to §1.429 of the Commission's Rules  
(47 C.F.R. §1.429), hereby submits his "Petition For  
Reconsideration" of the Report and Order, 58 Fed. Reg. 65132  
published December 13, 1993<sup>1</sup> ("Report and Order"), in the  
above-captioned rulemaking proceeding.<sup>2</sup> In support whereof,  
the following is shown:

**Background**

1. In the above-captioned rulemaking proceeding, Jerry  
E. White and Donald F. White d/b/a Seminole-Decatur Radio  
Company ("Seminole") petitioned the Commission to amend the

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<sup>1</sup> Also cited as DA 93-1340, released December 8, 1993.  
The Commission's Report and Order was published in the  
Federal Register on December 13, 1993. Since this Petition  
is being filed within thirty days of the date of public  
notice of the Commission's action, it is timely filed  
pursuant to §1.4(b)(1) and §1.429(d) of the Commission's  
rules.

<sup>2</sup> Rowland is simultaneously filing a Motion For Stay  
requesting that the Commission stay the effectiveness of its  
Report and Order pending resolution of the instant Petition.

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FM Table of Allotments to add Channel 298A to Donalsonville, Georgia, as that community's second local FM service. See Report and Order at ¶1. Clyde and Connie Scott d/b/a EME Communications ("EME") filed comments opposing the allotment of Channel 298A to Donalsonville, arguing that it would adversely affect the proposed allotment of Channel 299C3 at Sasser, Georgia. In essence, EME argued that, if Channel 298A were allotted to Donalsonville, it "may not be possible to build and operate the Sasser station in accordance with the Commission's spacing rules." [See EME's "Opposition to Notice of Proposed Rule Making," filed September 9, 1993.]

2. In its pleading, EME specifically stated that the Donalsonville allotment would reduce by 92 percent the available area for locating a transmitter site for the new Sasser FM station. Id. Clyde Scott represented to the Commission that he had investigated the land that would be available and that "[n]o single owner was willing to either lease or sell suitable land within the area for a transmitter site." Id. Based upon Scott's representations, the Commission declined to allot channel 298A, and instead, sua sponte, allotted alternate Channel 271A at Donalsonville. Id.

**The Commission's Alternate Allocation Was a  
Direct Result of Scott's Representations**

3. Short-spacing constraints between the original Donalsonville and Sasser proposals created a small "usable" area for prospective Sasser applicants to locate a fully-spaced transmitter site. However, contrary to Scott's

statements, at least one suitable transmitter site location was available to specify in a Sasser application. Rowland's application for Sasser (File No. BPH-930916MB), which proposes a fully-spaced transmitter site, is proof positive of this fact. See Technical Statement (attached as Exhibit A) at ¶¶5-6. Therefore, Scott's sworn statement, that "[n]o single owner was willing to either lease or sell suitable land within the area for a transmitter site," was false. His additional sworn statement, that he had conducted a check with all land owners within the available land area, was apparently false. Had Scott checked with the owner of Rowland's site, he would have discovered a usable transmitter site location to specify in his Sasser application. Instead, Scott submitted a statement that he knew, or should have known, was false and that was submitted to affect the outcome of this proceeding.<sup>3</sup> Such an action was a clear abuse of the Commission's processes which must not be tolerated.

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<sup>3</sup> As described infra, Scott was also vice president, director, and 33% stockholder in Albany Radio, Inc. ("ARI"), applicant (File No. BPH-930916MA) that filed an application for a construction permit at Sasser. That application was short-spaced by 7.1 km to the original proposal of Channel 298A at Donalsonville, and would have been rejected as insufficient for tender. The ARI application proposes service to 134,027 persons in 4777.513 square kilometers by moving the transmitter site closer to the population center at Albany, Georgia, than would otherwise be permitted. Therefore, Scott's motive to deceive the Commission in this proceeding is clear. If Scott could eliminate the short-spacing problem in this rulemaking, it would prevent his short-spaced Sasser application from being returned, and would result in an application serving greater population than possible from a fully-spaced site.

4. Apparently, but for Scott's representations, the Commission would have allotted Channel 298A to Donalsonville, as proposed by Seminole. Since the Commission's decision was based in large part upon the false statements of one of the parties to this proceeding, there is ample reason to reconsider it. Furthermore, since Rowland has shown that there is at least one available usable transmitter site for a Sasser filing, there remains no impediment to the Commission's allotment of Channel 298A to Donalsonville. More importantly, as will be shown, if the Commission permits its decision in this case to stand, it will have made an allocation to Donalsonville that cannot be implemented in full compliance with Section 73.207(b) of the Rules.

5. One of the Commission's core FM allotment policy objectives is to make allocations only in those situations where the petitioner can show that the allotment would satisfy the Commission's technical requirements including its minimum distance separation and city grade coverage rules (§73.207 and §73.315, respectively). See, FM Modifications By Application (NPRM), 7 FCC Rcd 4943 (1992). The Commission demands strict adherence to its minimum spacing requirements as reflected in its Table of FM Allotments and will not permit an allotment that is short-spaced to any existing FM facility. See, Chester and Wedgefield, South Carolina, 5 FCC Rcd 5572 (1990). A rulemaking petitioner must demonstrate that the allotment

will satisfy the Commission's technical requirements from at least one theoretical transmitter site. See, Modifications By Application (NPRM), 7 FCC Rcd at 4944. While the Commission permits the petitioner to propose contour protection in its later application filing, as a method to eliminate possible short-spacing problems (see §73.215 of the rules), it has expressly declined to allow the use of such methods at the allotment stage. See, Contour Protection Report and Order, 4 FCC Rcd 1681 (1989).

6. In this case, the information contained in Rowland's Technical Exhibit shows that, within the very small area to locate a fully-spaced transmitter site for Channel 271A, none of the land is available for this purpose. While other short-spaced sites may exist, these sites would not have satisfied the Commission's strict rulemaking technical requirements. Therefore, the Commission's allotment of Channel 271A to Donalsonville conflicted with its own stated rulemaking objectives and should be reversed.

**Implementation of the Donalsonville Allotment  
on Channel 271A is not Feasible**

7. In an effort to resolve the conflicts and concerns of the parties in this proceeding, the Commission allotted alternate Channel 271A to Donalsonville. See Report and Order at ¶4. Since no party proposed this allotment, there was no evidence in the record to show that a new FM station on Channel 271A could actually be implemented. Therefore, "little consideration was given to the availability or

restriction on the usable area for Donalsonville in comparison to the allocation area of Channel 298A." Exhibit A at ¶7. Channel 271A is not a feasible allocation because of the same short-spacing concerns that Scott falsely claimed would hamper the Sasser allotment if Channel 298A were allocated.

8. As stated in the attached Technical Statement, "The available, fully spaced area to locate a transmitter site for Channel 271A in Donalsonville is 98% smaller than the area for Channel 298A." Exhibit A at ¶7. Therefore, the Commission has made it even more difficult for a party to implement the new Donalsonville allotment. If the Commission was concerned that the allotment of Channel 298A to Donalsonville would make it difficult for anyone to propose a suitable transmitter site at Sasser, then it should be even more concerned with the outcome in this case. Unlike Scott, Rowland has taken all of the necessary steps to determine whether there are available fully-spaced transmitter sites for Channel 271A at Donalsonville. In the attached Technical Statement, Rowland's technical consultant states that there is only 0.22 square kilometers of land area available for a clearly spaced transmitter site for Channel 271A. See Exhibit A at ¶8. This amounts to just two plots of land, one owned by Pearce Farms and the other owned by Johnny Creel, which is leased to Pearce Farms. See Exhibit A at ¶8 and attachments. In a statement attached at Exhibit A, Allen Pearce, a representative of Pearce Farms,

states that he is not interested in renting land on his farm or on the space that they lease from Mr. Creel.

9. Therefore, since none of the land that comprises the hypothetical "usable area" for Channel 271A is actually available, the Commission has made an allotment that may be impossible to implement. The best way to correct this situation is for the Commission to allot Channel 298A, as originally proposed, which Rowland has shown will not adversely affect the construction of a new FM station at Sasser.

#### **Statement of Interest**

10. Rowland did not previously participate in this proceeding because he did not reasonably believe he had an interest at stake. It was not until after ARI filed its application, September 16, 1993, that Rowland discovered that the competing Sasser applicant, Albany Radio, Inc. ("ARI"), had proposed a transmitter site that was short-spaced to the original Donalsonville Channel 298A proposal.<sup>4</sup> By then, the initial comment period in MM Docket 93-205 had expired on September 9, 1993. Upon further inspection,

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<sup>4</sup> ARI's application did not propose contour protection as a means to remedy the short-spacing problem, pursuant to §73.215 of the rules, and it was therefore defective, since it failed to adequately protect the Donalsonville rulemaking proposal on Channel 298A. See, Modification of FM Processing Procedures, 7 FCC Rcd 5074 (1992). While ARI could have cured such a "first tier" tenderability defect with an amendment filed prior to the amendment-as-of-right or "B cut-off" date, the deadline expired and no such amendment was ever filed. Id and §73.3522(a)(6) of the rules.

Rowland discovered that one of the active parties in this proceeding was Clyde Scott who, not so coincidentally, was also a principal in ARI.<sup>5</sup> Rowland's interest in this proceeding became obvious at that point.

11. Furthermore, there are far greater interests at stake in this proceeding than Rowland's. Based on Scott's representations, the Commission's action in this rulemaking proceeding may deprive the citizens of Donalsonville, Georgia, of the opportunity for a second FM station. Throughout this proceeding, the Commission considered the statements of Mr. Scott that the allotment of Channel of 298A to Donalsonville could adversely effect the implementation of new service to Sasser. However, as Rowland has shown, the reality is that the allotment of Channel 298A to Donalsonville would not have had any adverse effect on parties seeking to file applications for Sasser and has, ironically, had the opposite negative effect on the Donalsonville allotment. By accepting Mr. Scott's false statements and allotting a different Channel than the one originally proposed, the Commission has effectively negated the chances that Seminole or any other interested party will be able to file an application for a new FM station at Donalsonville in compliance with section 73.207(b) of the

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<sup>5</sup> ARI recently filed an amendment wherein it noted that Mr. Scott had withdrawn from the corporation. However, this does not change the fact that it was Mr. Scott's false statement that helped ARI's Sasser application escape its return as defective in the processing line.



Rules. The public interest demands that this situation be rectified by reversing the Commission's Report and Order.

12. Additionally, the Commission's allotment of Channel 271A has permitted ARI to eliminate a previously incurable short-spacing defect contained in its Sasser application. Therefore, unless the Commission reconsiders its Report and Order, it will unintentionally resurrect ARI's previously defective Sasser application. The Commission should not permit a party to gain from the misconduct of one of its principals.

#### Conclusion

13. When faced with a decision based upon a party's false representation, the Commission should act to effectively correct any possible harm that may have resulted from it. In this case, the harm that will occur is obvious - potential loss of second local FM service to the citizens of Donalsonville, Georgia. However, the Commission's action is not irreversible. Instead of a "win-lose" situation that would occur if the Commission allots Channel 271A, the Commission can create a "win-win" situation by allotting Channel 298A. Since it has an expression of interest from Seminole for Channel 298A and since Rowland has shown that this allotment will not adversely affect the Sasser allotment, a reversal of the Commission's decision will result in new service to both Sasser and Donalsonville. Therefore, the Commission should reverse its Report and Order and allot Channel 298A at Donalsonville, Georgia.

**WHEREFORE**, the above-facts considered, Marshall W. Rowland, Sr., hereby respectfully requests that the Commission reconsider its Report and Order and allot Channel 298A at Donalsonville, Georgia, as that community's second local FM service.

Respectfully submitted,

**MARSHALL W. ROWLAND, SR.**



By:

Gary S. Smithwick  
Shaun A. Maher

His Attorneys

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(202) 785-2800

January 12, 1994

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MARSHALL W. ROWLAND, SR.  
PETITION FOR RECONSIDERATION  
MM DOCKET #93-205, RM #8270  
DONALSONVILLE, GEORGIA  
December 1993

1. These Technical Comments serve to support the petition by Marshall W. Rowland, Sr. ("Rowland") to reconsider the Commission's action taken in MM Docket #93-205, RM #8270, which allotted Channel 271A to Donalsonville, Georgia.

History

2. In the Notice of Proposed Rule Making #93-205, the Commission proposed that Channel 298A be assigned to Donalsonville as its second local FM service. At the proposed site coordinates this channel was fully spaced to all licensed, applied for and proposed facilities under §73.207(b) of the Commission's rules. It is noted that proper spacing to the Sasser, Georgia, Channel 299C3 allocation coordinates was maintained by the Donalsonville proposal. The Comment period in Docket #93-205 closed September 9, 1993, with Reply Comments due September 24, 1993.

3. In an application for Sasser, Georgia, filed *after* the close of comments in the Donalsonville, Georgia, proceeding, Albany Radio, Inc. ("Albany"), BPH-930916MA, shortspaced the Donalsonville, Georgia,

Channel 298A allocation proposal. Albany did not invoke the contour protection regulations, §73.215, to the Donalsonville proposal, nor did it request a waiver of §73.207(b) spacing rules to this allocation.

4. MM Docket #93-205 concluded with the release of the Report and Order ("R & O") (adopted November 3, 1993) on December 8, 1993. The Order allotted Channel 271A to Donalsonville in lieu of Channel 298A, effective January 24, 1994. This change in channels was implemented on the Commission's own motion, in an attempt to resolve conflicts between Albany (BPH-930916MA) and the originally proposed Channel 298A in Donalsonville.

#### DISCUSSION

5. The R & O assigning Channel 271A to Donalsonville gave significant consideration to the statement by Clyde and Connie Scott D/B/A EME Communications ("EME") concerning site availability. The principles of EME are likewise principles in the Albany application. The R & O reports "EME states that it has conducted a check with all land owners within the significantly reduced clear area to locate a transmitter site for Channel 299C3 at Sasser and that '[n]o single owner was willing to either lease or sell suitable land within the area for a transmitter site'". EME raised these concerns regarding the originally proposed Channel 298A allotment.

6. Rowland does not dispute that the area available for a transmitter site at Sasser is reduced as a result of a potential Channel 298A allotment in Donalsonville, Georgia. However, Rowland had little trouble securing a site clear of Channel 298A at Donalsonville (with the land owner's assurance and permission) within the usable area for Channel 299C3 at Sasser, Georgia (Rowland's application at Sasser, Georgia / BPH-931016MB). This is contrary to EME's sworn statement.

7. In allotting Channel 271A at Donalsonville little consideration was apparently given to the availability or restriction on the usable area for Donalsonville in comparison to the allocation area of Channel 298A. The available, fully spaced area to locate a transmitter site for Channel 271A in Donalsonville is 98% smaller than the area for Channel 298A. This reduction was determined using a polar planimeter comparing the area for Channel 298A and Channel 271A. In fact, unless the 0.5 km rounding factor in spacing is considered, there is no usable area for Channel 271A in Donalsonville which is fully spaced to all licensed, applied for and proposed facilities under §73.207(b).

8. Using the 0.5 km rounding factor, there is only 0.22 square kilometer of land area available for a clearly spaced transmitter site for Channel 271A. Detailed analysis of this land area has revealed that

the clear area is limited to only two plots of land. These plots are located in Early County, Land District 36, Map Number 86, Tracts 19 and 21.

9. Tract 19 is owned by Pearce Farms, a partnership between Laura Pearce and her son, Allen Pearce. Tract 21 is owned by Johnny Creel and is leased, for farming purposes, to Pearce Farms. After checking with Allen Pearce, representing Pearce Farms, he indicated that he was not interested in leasing any of his property, or that of Johnny Creel which he controls by lease, for use as a tower location. In effect, the R & O in MM Docket #93-205 has allotted a channel in Donalsonville for which there is no usable area.

10. Further, the use of Channel 271 at Donalsonville is unnecessary since Rowland has demonstrated that land is available for use in Sasser which is well clear of the Channel 298A allocation reference as originally proposed. Ironically, the lack of available usable area for Channel 271A in Donalsonville has triggered this petition and is similar to the EME concerns about usable area for Channel 299C3 at Sasser. However, in this case, Rowland has taken the necessary steps to substantiate the absense of available area at Donalsonville.

### SUMMARY

11. Rowland, therefore, questions whether the change of allocation channels in Donalsonville has, in effect, demonstrated preferential treatment of an applicant (Albany/EME) by the Commission in a contested proceeding and that Albany has abused and wasted Commission resources by blatantly misrepresenting facts to the Commission and knowingly misleading the Commission in order that they (Albany/EME) might use a preferred transmitter site under false pretenses.

12. Rowland, therefore requests that Channel 298A, not Channel 271A, be allotted to Donalsonville, Georgia, and that the application by Albany Radio, Inc., for Sasser, Georgia, BPH-930916MA, filed after close of comments in MM Docket #93-205, should be considered an untimely filed counterproposal and, therefore, should be rejected as patently defective.

CLIFTON G. MOOR being duly sworn, deposes and says that he is an officer of Bromo Communications, Inc. Bromo has been engaged by Marshall Rowland, applicant, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in broadcast engineering since 1966.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This is the 10th day of January, 1994.

  
\_\_\_\_\_  
CLIFTON G. Moor



MARSHALL W. ROWLAND, SR.  
PETITION FOR RECONSIDERATION  
MM DOCKET #93-205 / RM #8270  
DONALSONVILLE, GEORGIA  
DECEMBER 1993

EXHIBIT #1

REFERENCE		DISPLAY DATES
31 05 32 N	CLASS A	DATA 10-28-93
84 55 55 W	Current rules spacings	SEARCH 12-16-93
----- CHANNEL 271 -102.1 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WWSG.C	271A	Sylvester	GA	65.0	114.52	115.0	-0.48 *
CPMZCN	31 31 42	83 50 29	6.000 kW	84M	71.2	71.5	
		Thomas W. Lawhorne			BMPH92081010		
WPHK	272A	Blountstown	FL	188.5	71.52	72.0	-0.48 *
LI CN	30 27 15	85 02 32	3.000 kW	44M	44.5	44.8	
		Blountstown Communications			BLH801014AA		
AD273	273C3	Dothan	AL	293.7	42.07	42.0	0.07 <
AD	31 14 40	85 20 10	0.000 kW	0M	26.1	26.1	
		Broadcast Associates, Inc.			RM7084		
		>PRM-Site Restricted 5.9 km East					
WSLE	272A	Cairo	GA	102.0	77.76	72.0	5.76
LI CN	30 56 49	84 08 07	3.000 kW	91M	48.3	44.8	
		Lovett Communications, Inc.			BLH850820CC		
WVAV.A	271C3	Santa Rosa Beach	FL	239.2	152.39	142.0	10.39
AP CN	30 23 17	86 17 55	18.000 kW	117M	94.7	88.3	
		Emerald Coast Communications,			BPH9210161D		

MARSHALL W. ROWLAND, SR.  
PETITION FOR RECONSIDERATION  
MM DOCKET #93-205 / RM #8270  
DONALSONVILLE, GEORIGIA  
DECEMBER 1993

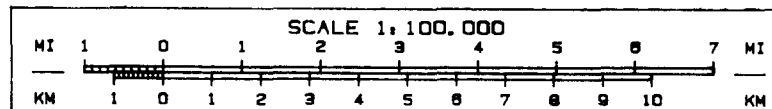
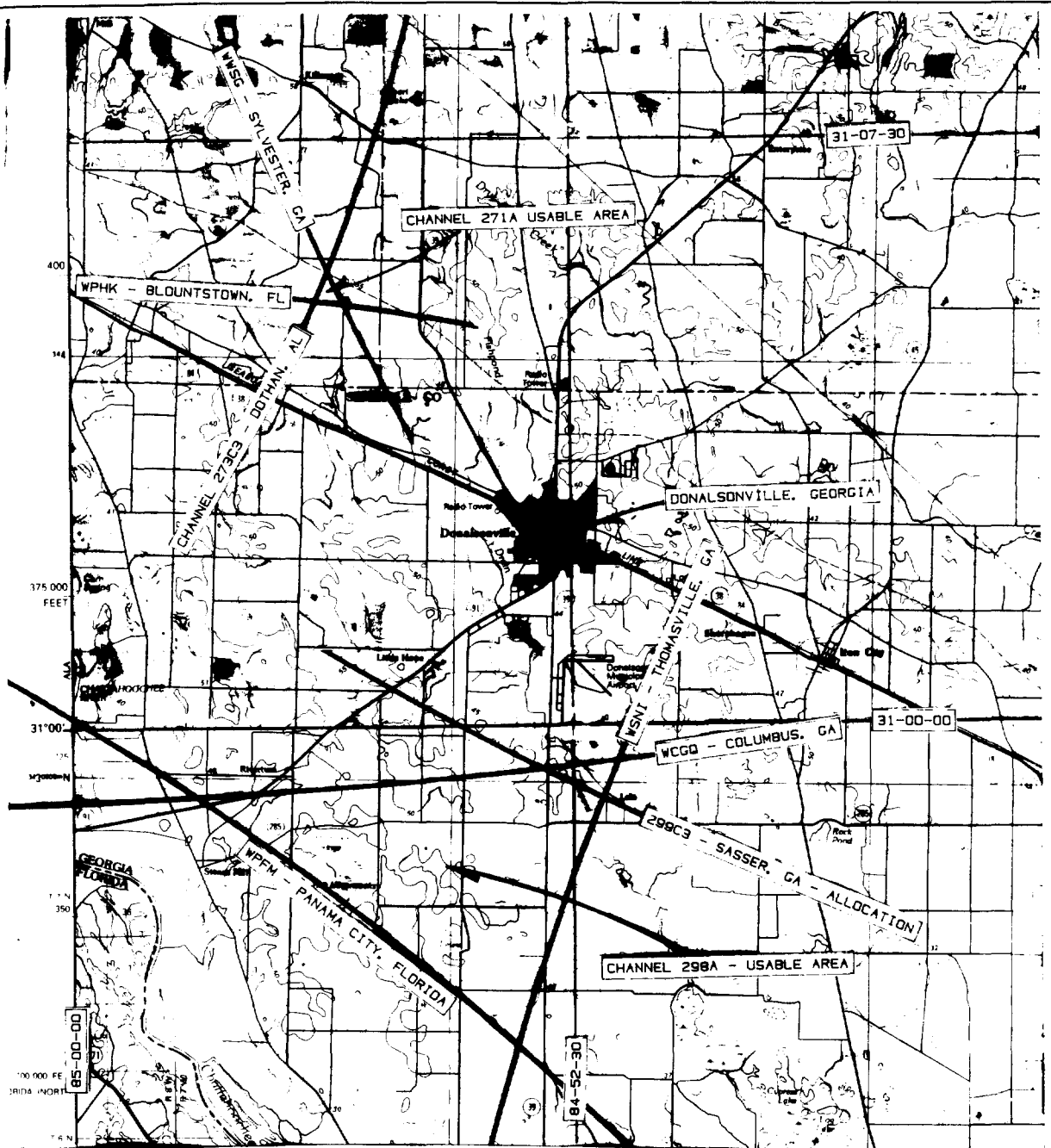
EXHIBIT #2

REFERENCE		DISPLAY DATES
30 59 11 N	CLASS A	DATA 10-28-93
84 52 34 W	Current rules spacings	SEARCH 12-16-93
----- CHANNEL 298 -107.5 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
AD298	298A	Donalsonville	GA	0.0	0.00	115.0	-115.00 *
AD	30 59 11	84 52 34	0.000 kW	0M	0.0	71.5	
	Seminole Decatur Radio Co.				RM8270		930322
AP299	299C3	Sasser	GA	27.9	81.93	89.0	-7.07 *
AP CN	31 38 23	84 28 26	12.500 kW	141M	50.9	55.3	
	Albany Radio, Inc.				930916MA		
ALOPEN	299C3	Sasser	GA	27.0	88.61	89.0	-0.39 *
AL N	31 41 55	84 27 13	0.000 kW	0M	55.1	55.3	
	90-475	WO= 930817					930916
WOGQ	297C	Columbus	GA	354.1	164.99	165.0	-0.01 *
LI CN	32 27 59	85 03 23	100.000 kW	308M	102.5	102.6	
	Wgba, Inc.				BLH861124KA		
WSNI.A	296C1	Thomasville	GA	112.0	75.33	75.0	0.33 <
AP CN	30 43 55	84 08 45	100.000 kW	299M	46.8	46.6	
	Southern Broadcasting Compani				BPH910911IE		
AP299	299C3	Sasser	GA	24.1	89.82	89.0	0.82 <
AP CN	31 43 33	84 29 26	25.000 kW	100M	55.8	55.3	
	Marshall W. Rowland, Sr.				930916MB		
WPFM	300C1	Panama City	FL	220.1	80.10	75.0	5.10
LI CN	30 26 00	85 24 51	100.000 kW	238M	49.8	46.6	
	Donald G. McCoy, Receiver				BLH7589		

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It is noted that this proposed allocation is clear to the allocation coordinates for Sasser, Georgia as well as the application by Marshall W. Rowland, Sr. in his application for construction permit to build the Sasser facility.



# USABLE AREA MAP

MAP IS A COMPOSITE OF THE 100,000 SCALE  
USGS TOPOGRAPHIC MAPS OF 'CAMILLA' AND  
'BAINBRIDGE'

REFERENCE COORDINATES - CHANNEL 271A  
NORTH LATITUDE 31-05-32  
WEST LONGITUDE 84-55-55  
REFERENCE COORDINATES - CHANNEL 298A  
NORTH LATITUDE 30-59-11  
WEST LONGITUDE 84-52-34

EXHIBIT #3  
MARSHALL ROWLAND  
PETITION TO RECONSIDER  
MM DOCKET #93-205  
RM #8270  
DONALSONVILLE, GEORGIA  
DECEMBER 1993

**BROMO**  
**COMMUNICATIONS**  
BROADCAST  
TECHNICAL CONSULTANTS  
St Simons Island, Georgia Washington D.C.

AFFIDAVIT

STATE OF GEORGIA

MITCHELL COUNTY

SS:

On the morning of December 10, 1993, Jerry E. White, in the company of Cindy Mitchell White, Notary Public, traveled to Blakely, Georgia, County Seat of Early County, to determine, at the Tax Assessor's office, the identity of the land owners within the useable area of Channel 271A at Donalsonville.

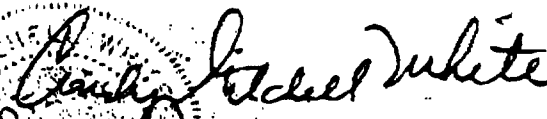
After reviewing land plats at the Tax Assessor's office, it was determined that the useable area falls within the boundaries of 2 tracts of land in Early County. The 2 tracts of land are in Early County land district 36, map number 86, tract 19 and 21.

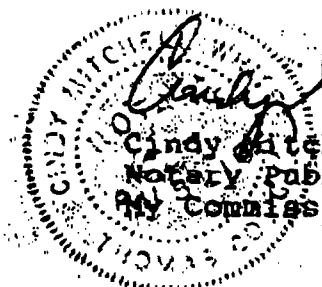
Tract 19 is owned by Pearce Farms, a partnership between Laura Pearce and her son, Allen Pearce.

Tract 21 is owned by Johnny Creel and leased, for farming purposes, to Pearce Farms.

At approximately 12 noon on December 10, 1993, Jerry E. White spoke with Allen Pearce, representative for Pearce Farms. Mr. Pearce stated that the useable area pointed out to him appeared to fall within productive farm land, underneath a center pivot irrigation system. Mr. Pearce went on to state that he certainly was not interested in seeing a radio tower located on productive farm land. See Exhibit "A".

Jerry E. White  
Seminole-Decatur Radio Company  
Route 3, Box 514  
Pelham, Georgia 31779  
December 10, 1993

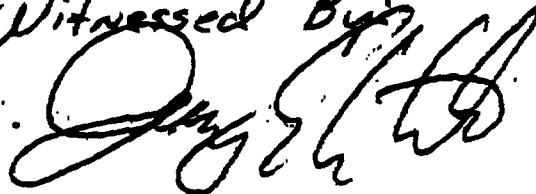
  
Cindy Mitchell White  
Notary Public  
My Commission Expires May 25, 1995



To: Jerry White

I am not interested in Renting  
LAND ON MY FARM OR LAND THAT  
I RENT TO FARM. I REPRESENT  
PEARCE FARMS AND LEASE THE  
LAND OF JOHNNY CREEK.

Pearce Farms  
Allen Pearce  
Johnny Creek

Witnessed By  




My Commission expires  
May 25, 1995

**CERTIFICATE OF SERVICE**

I, Lori Paige DiLullo, a secretary in the law firm of Smithwick & Belendiuk, P.C., certify that on this 12th day of January, 1994, copies of the foregoing were mailed via first class mail, postage pre-paid, to the following:

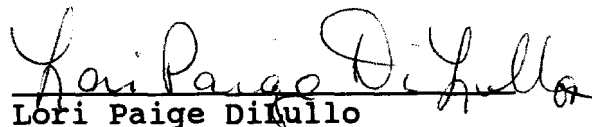
Ms. Victoria M. McCauley (\*)  
Assistant Chief - Allocations Branch  
Policy and Rules Division  
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2025 M Street, N.W.  
Room 8316  
Washington, D.C. 20554

Ms. Nancy Walls (\*)  
Policy and Rules Division  
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John S. Neely, Esq.  
Miller & Miller, P.C.  
P.O. Box 33003  
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Counsel for Albany Radio, Inc. and EME Communications

(\*): By Hand Delivery

  
Lori Paige DiLullo